

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID JANIASHVILI,

Plaintiff.

V.

MACK TRUCK LINES, INC., a California Corporation; JADVINDER SINGH, individually and a Successor in Interest to the Estate of JASPREET SINGH; ARTUDIANTI, INC., and DACHI GOGOLADZE.

Defendants.

NO. 2:20-CV-0442-TOR

ORDER DENYING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

BEFORE THE COURT is Defendants' Motion for Summary Judgment

(ECF No. 29). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein, the completed briefing, and is fully informed. For the reasons discussed below, Defendants' Motion for Summary Judgment (ECF No. 29) is DENIED.

1 BACKGROUND

2 This matter relates to a motor vehicle collision on December 12, 2018,
3 involving two commercial tractor-trailers. ECF No. 30 at 1–2, ¶¶ 1–4. The
4 following facts are not in dispute, except where noted.

5 On December 12, 2018, a tractor-trailer owned by Defendant Mack Truck
6 Lines, Inc. and driven by Jaspreet Singh (deceased), jackknifed on Interstate 90 in
7 Lincoln County, Washington, causing a complete blockage of both westbound
8 lanes. *Id.* at 1, ¶ 1; ECF No. 12 at 3, ¶ 9. Due to the position of the vehicle
9 thereafter, neither the headlights nor the taillights of the trailer were visible to
10 traffic traveling in a westerly direction. ECF No. 30 at 2, ¶ 2. The second tractor-
11 trailer involved in the accident was owned by Defendant Artudianti, Inc. and
12 driven by Defendant Dachi Gogoladze. *Id.* at ¶ 4. Mr. Gogoladze was traveling in
13 a westerly direction when he came upon Mr. Singh’s trailer, but without the ability
14 to see the headlights or taillights, Mr. Gogoladze was not able to stop in time to
15 avoid colliding with Mr. Singh’s trailer. *Id.* at ¶ 5. Plaintiff was a passenger in
16 Mr. Gogoladze’s trailer at the time of the accident. ECF No. 12 at 3, ¶ 9. No other
17 facts relating to the accident are presently before the Court.

18 Plaintiff alleges negligence causes of action against all four defendants. *Id.*
19 at 4–5. Defendants Artudianti, Inc. and Dachi Gogoladze move for summary
20 judgment on the grounds that Plaintiff’s claims will fail at trial without expert

1 witnesses, which Plaintiff has failed to disclose. ECF No. 29. Plaintiff did not
2 respond to the motion. As such, the Court considers all facts contained herein
3 undisputed and admitted. *See* LCivR 56(e).

4 **DISCUSSION**

5 **I. Legal Standard**

6 The Court may grant summary judgment in favor of a moving party who
7 demonstrates “that there is no genuine dispute as to any material fact and that the
8 movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). In ruling
9 on a motion for summary judgment, the court must only consider admissible
10 evidence. *Orr v. Bank of America, NT & SA*, 285 F.3d 764 (9th Cir. 2002). The
11 party moving for summary judgment bears the initial burden of showing the
12 absence of any genuine issues of material fact. *Celotex Corp. v. Catrett*, 477 U.S.
13 317, 323 (1986). The burden then shifts to the non-moving party to identify
14 specific facts showing there is a genuine issue of material fact. *See Anderson v.*
15 *Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). “The mere existence of a scintilla
16 of evidence in support of the plaintiff’s position will be insufficient; there must be
17 evidence on which the jury could reasonably find for the plaintiff.” *Id.* at 252.

18 For purposes of summary judgment, a fact is “material” if it might affect the
19 outcome of the suit under the governing law. *Id.* at 248. Further, a dispute is
20 “genuine” only where the evidence is such that a reasonable jury could find in

1 favor of the non-moving party. *Id.* The Court views the facts, and all rational
 2 inferences therefrom, in the light most favorable to the non-moving party. *Scott v.*
 3 *Harris*, 550 U.S. 372, 378 (2007). Summary judgment will thus be granted
 4 “against a party who fails to make a showing sufficient to establish the existence of
 5 an element essential to that party’s case, and on which that party will bear the
 6 burden of proof at trial.” *Celotex*, 477 U.S. at 322.

7 Defendants Artudianti, Inc. and Gogoladze (“Defendants”) move for
 8 summary judgment on the grounds that Plaintiff cannot establish the elements of
 9 duty, breach, causation, and damages absent expert testimony. ECF No. 29.
 10 Plaintiff has not disclosed any expert witnesses, and the time for disclosures under
 11 this Court’s Scheduling Order has expired. ECF No. 27 at 3–4.

12 “In general, expert testimony is required when an essential element in the
 13 case is best established by an opinion which is beyond the expertise of a
 14 layperson.” *Rinehold v. Renne*, 198 Wash. 2d 81, 92 (2021) (citation and internal
 15 quotations marks omitted). In negligence claims, Washington courts have required
 16 expert testimony in matters arising from medical and legal malpractice, as well as
 17 products liability. *See, e.g., Reyes v. Yakima Health District*, 191 Wash. 2d 79, 90
 18 (2018); *Walker v. Bangs*, 92 Wash. 2d 854, 858 (1979); *Wagner v. Flightcraft,*
 19 *Inc.*, 31 Wash. App. 558, 564 (1982). The cases cited by Defendants do not stand
 20 for the proposition that expert testimony is required in all negligence claims, as

1 Defendants seem to purport. Rather, the moving parties in those cases were
2 successful because the nonmoving party failed to rebut the evidence presented at
3 summary judgment.

4 While Defendants may ultimately be correct that Plaintiff's evidence is
5 insufficient to prove his claims at trial, the Court finds the present record
6 inadequately developed to make such a determination at this time. Defendants
7 present only five sentences of material fact, none of which are supported by
8 evidence. ECF No. 30. Moreover, each statement appears to be derived solely
9 from Plaintiff's Complaint. *See* ECF No. 12. Finally, Defendants' facts do not
10 contain any details about the accident or the parties' conduct at the time of, and
11 preceding, the event. Therefore, it is impossible to determine whether Plaintiff's
12 claims will necessarily fail absent expert testimony. Such a determination will be
13 more appropriate once the factual and evidentiary record is more fully developed.

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 Defendant's Motion for Summary Judgment (ECF No. 29) is **DENIED**.

16 The District Court Executive is directed to enter this Order and furnish
17 copies to counsel.

18 DATED July 29, 2022.



19 A handwritten signature in blue ink that reads "Thomas O. Rice".
20 THOMAS O. RICE
United States District Judge